

# EXHIBIT 3

LINDA FAIRSTEIN

T. [REDACTED]  
F. [REDACTED]

Robert M. Morgenthau

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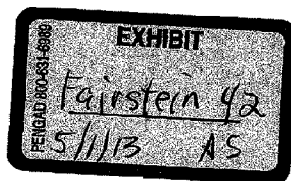
January 4, 2010

Dear Bob:

I hope you know that among all your well-wishers for a great new transition, and all your admirers for thirty-five stunning years of leadership as District Attorney, few have had as many opportunities as I have had — privately and publicly — to praise your integrity and your countless accomplishments.

Those opportunities to offer my comments began to present themselves in the 1970's, when you appointed me to take over the Sex Crimes Prosecution Unit. They continued on throughout all the innovative strategies we pioneered together, with your complete support — in sex crimes investigations, domestic violence, child abuse, stalking, cold case DNA work — and even after I left the office. Most recently, I was honored to be asked to describe what you have meant to generations of young prosecutors at the Four Freedoms dinner in your honor last October. You *are* my professional patron saint. I always had your trust and your counsel, and I will always treasure and respect that.

For almost eight years, there has been 'an elephant on the table' between us. Shortly after I left the office in 2002, the information about Mattias Reyes and his role in attacking the jogger in 1989 resulted in the opening of a re-investigation in the office, which was completely appropriate. Although I was a fact witness in the case about many things (including the 32 hours I spent at the stationhouse during the initial investigation) which required my testimony at the trials, Nancy Ryan never once spoke to me. Jim Kindler responded to several of my phone calls, in which I offered to provide information, testimony, and suggestions about records that would be essential to review, and he promised me that 'nothing would be decided' until I was brought in to be interviewed as part of the re-investigation. That pledge was not kept.



DANY - A

Not only did I know Ryan and Kindler well, but I knew what you thought of them. I recall the day in 1999 when you and I returned from Forlini's in a snowstorm, to find Ryan and Rather throwing snowballs at each other across the roof of 2200, parked at the One Hogan Place entrance. You asked me to come into your office and we talked about the dysfunction within the trial division. You said that Ryan was "nuts" and that she and Rather acted like juveniles, and that she should be fired. You knew even then that she had stopped holding bureau chief meetings within the division – causing administrative chaos, that her interpersonal skills were abysmal, her leadership skills non-existent, and that she was a tyrant and bully to the young lawyers under her control. And Kindler? You dismissed him long before that as 'spineless and lazy.'

I stayed calm throughout the re-investigation, knowing that you trusted my work and would insure that I would be interviewed. I also had a list of independent witnesses, and documents that would be critical to examine. Kindler never took that list from me, nor did Ryan make any effort to obtain the documents.

Nothing was more surprising to me than the fact that other than a single phone call to me the day before the dismissal, you never once gave me the courtesy of discussing the matter with me.

Every time I speak about you publicly, every time I say something in your honor, people ask me what you have said to me to explain the result in the case (you might be surprised, living in the Ryan bubble, to learn that most intelligent folks don't believe the Jogger 5 are innocent). No one – including my lawyers – can believe that you have never talked to me about it, and that yet I still remain so loyal to you. It is as shocking to strangers as it remains to me. It is as shocking to many members of your legal staff – who know the truth about how bizarrely and privately the matter was disposed of – as it remains to me.

In 2004, when you called me out of the blue to invite me to lunch to discuss your race against Leslie Snyder and ask for my help, I assumed the lunch would begin with an explanation of why you chose to do what you had done. I'm not a small, petty person. I was ready to go on in support of you, one way or another, as I did. As I was about to leave home, Justin said to me that I was wrong. That you were never going to bring up the case again – that for you, it was over. I didn't believe that it was possible you would ask for my help without so much as the courtesy of a private discussion, an explanation about why there was never a public hearing on the case (as Ryan has demanded on every other case she re-investigates – whether Palladium or the more recent reversals). You know that throughout my thirty year tenure I had exonerated more falsely accused rapists than any dozen 'innocence projects' in the country. I had nothing to fear from a public airing of the entire matter – but that fact isn't true of Nancy Ryan and her conduct. To my dismay, Justin was dead right. We met at the Odeon, and after pleasantries, you launched right into requesting my help with the primary campaign. As you know, I did everything you asked and more, including a strong speech – I remember Lucinda cried and said she had never heard better remarks about you – at the Iscol fundraiser for you on the Vineyard that August.

The same thing happened in 2008. I responded to you the same way.

DANY – B

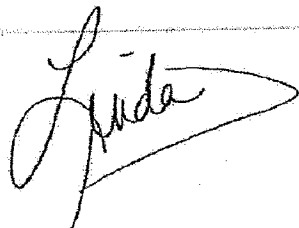
Since that time, you have started to comment publicly on the original case. That is was wrongly handled in 1989. That mistakes were made that would not have been made today. You have even let stand a filmmaker's charge likening the original case to the Scottsboro boys. I can think of few things as ugly as that view of your own staff.

Fortunately for me, I am in the hands of excellent lawyers who have listened to the facts and explored much of the evidence that Ryan ignored. They understand that Nancy Ryan is a pathologically crippled individual. They know that just as Kindler lied to me, Ryan and Kindler both lied to you. I can prove that she has withheld information from you, as well as documents from the reinvestigation report, as well as concealed records that countered her position.

You will continue to say what you want to say, of course, and I will continue to be grateful for your role in my career. I know, as many others do, that you have been betrayed by the dishonesty of Nancy Ryan — and by the fact that none of your staff (even those saying different things to me than to you) had the fortitude or courage to stand up to Ryan. Her personal cruelty to other lawyers and her lack of management and interpersonal skills are the reason for the hideously low morale in the trial division now.

Although Reyes' statements were never tested in a public forum — as I had hoped they would be — I am pleased that the civil litigation will offer all of us an opportunity to be heard. And after that is done, with years of information and facts that have been gathered more properly and fairly, I will be able to tell all of the truths, revealing everything that was omitted from the 2002 re-investigation. I look forward to being able to tell the entire story — in depositions, at the trial, and to an even larger forum thereafter. And as always, I wish you good health and a wonderful new chapter in your life.

Best to you,

A handwritten signature in black ink, appearing to read "Linda", enclosed within a large, stylized, handwritten loop that extends to the right.

DANY - C